

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75551

Lawrence H. Fisher
Diane L. Fisher

7371 Manchester Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b)(1)(3), failure to repair/replace front and rear downspouts on residential property zoned DR 10.5 known as 7371 Manchester Road, 21222.

On May 13, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 11, 2010 for removal of untagged/inoperative motor vehicles, remove trash and debris, cease stagnant pool water, cut and remove tall grass and weeds, repair exterior extensions, repair or replace rear and front gutter downspouts. This Citation was issued on May 13, 2010.

B. Notes in the file state that this house is vacant and in foreclosure proceedings. Court records show that the property has been sold in foreclosure. Inspector Jeff Radcliffe called the telephone number for the purchaser that was posted on the property in April 2010, and was informed that the purchaser had not yet obtained control of the property but would pass the County's notice on to the proper person. Since that time, the County has had to cut grass and remove debris at the property owner's expense.

C. Photographs in the file show that several downspout gutters are missing and at least one is still attached to the wall but not attached to the horizontal gutter. The property owner is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. This Citation will be enforced, but the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 12, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf